IN THE HIGH COURT OF JUDICATURE
AT BOMBAY
APPELLATE CIVIL JURISDICTION

CIVIL APPLICATION NO.5262 OF 2006

The State of Maharashtra ...Applicant
Vs.
Master Kishor Jaywant Ghorpade & Anr. ...Respondents

Mr.K.K.Tated, A.G.P for Respondents
Mr. Sandesh D. Patil for Respondents

CORAM: SHRI J.N.PATEL &
SMT. ROSHAN DALVI, JJ.
DATED: 9TH APRIL, 2007

P.C.

1. The learned Counsel for the Respondent submits that the appeal is filed by the Insurance Company and it is not maintainable for want of permission as contemplated under Section 170 of the Motor Vehicles Act and Section 149, in view of the decision of the Supreme Court in National Insurance Co. Ltd., Chandigarh Vs. Nicolletta Rohtagi and others (2002) 7 Supreme Court Cases, 456.

2. This Court has already admitted the Appeal in the matter, and therefore, the objection raised by the

Respondent can be considered at the time of hearing of the Appeal. As such the oral prayer made by the learned Counsel for the Respondent guardian claimant cannot be considered at this stage and the applicant has also not accounted for the amount of Rs.5,00,000/- which has been permitted to be withdrawn, as to whether it has been appropriated in the interest of the minor child in order to secure his interest by way of investment of the same in security bonds. Hence, the application is rejected at this stage.

(SMT.ROSHAN DALVI, J.) (SHRI.J.N.PATEL, J.)